

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1102
91ST GENERAL ASSEMBLY

Reported from the Committee on Criminal Law, April 11, 2002, with recommendation that the House Committee Substitute for Senate Bill No. 1102 Do Pass.

TED WEDEL, Chief Clerk

4478L.02C

AN ACT

To repeal section 191.680, RSMo, and to enact in lieu thereof one new section relating to nuisance.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 191.680, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.680, to read as follows:

191.680. 1. Any person who shall erect, establish, continue, maintain, use, own, or lease any building, structure, or place used for the purpose of lewdness, assignation, or illegal purpose involving sexual or other contact through which transmission of HIV infection can occur is guilty of maintaining a nuisance.

2. The building, structure, or place, or the ground itself, in or upon which any such lewdness, assignation, or illegal purpose is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are hereby declared to be a nuisance and shall be enjoined and abated as provided in subsection 3 of this section.

3. If the existence of a nuisance is admitted or established in an action pursuant to this section or in a criminal proceeding in any court, an order of abatement shall be entered as part of the judgment in the case. The order shall direct the effectual closing of the business for any purpose, and so keeping it closed for a period of one year.

4. The department of health and senior services, **a county prosecutor, or a circuit attorney** shall file suit in its own name in any court of competent jurisdiction to enforce the provisions of this section.